



INTERNATIONAL TRADE COMMISSION

Inv. No. 337-TA-862

CERTAIN ELECTRONIC DEVICES, INCLUDING WIRELESS COMMUNICATION DEVICES, TABLET COMPUTERS, MEDIA PLAYERS, AND TELEVISIONS, AND COMPONENTS THEREOF

Institution of investigation pursuant to United States Code

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on November 30, 2012, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Ericsson Inc. of Plano, Texas and Telefonaktiebolaget LM Ericsson of Stockholm, Sweden. Letters supplementing the complaint were filed on December 3, December 12, and December 19, 2012. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic devices, including wireless communication devices, tablet computers, media players, and televisions, and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,029,052 (“the ‘052 patent”); U.S. Patent No. 6,058,359 (“the ‘359 patent”); U.S. Patent No. 6,278,888 (“the ‘888 patent”); U.S. Patent No. 6,301,556 (“the ‘556 patent”); U.S. Patent No. 6,418,310 (“the ‘310 patent”); U.S. Patent No. 6,445,917 (“the ‘917 patent”); U.S. Patent No. 6,473,506 (“the ‘506 patent”); U.S. Patent No. 6,519,223 (“the ‘223 patent”); U.S. Patent No. 6,624,832 (“the ‘832 patent”); U.S. Patent No. 6,772,215 (“the ‘215 patent”); and U.S. Patent No. 8,169,992 (“the ‘992 patent”). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2012).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on January 2, 2013, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within

the United States after importation of certain electronic devices, including wireless communication devices, tablet computers, media players, and televisions, and components thereof that infringe one or more of claims 1-3, 5, 8, 11, 13, 14, and 18 of the '052 patent; claims 28-33, 36, 37, 39-43, 46, 47, 50, 51, and 54 of the '359 patent; claim 30 of the '888 patent; claims 1-3, 8, 10, 19, 20, 23, 24, 26-33, 38, 40, 50, 53-55, 57, and 62-68 of the '556 patent; 1, 4, 6, 9-13, and 16-20 of the '310 patent; claims 1, 24-26, 28, 30, and 54 of the '917 patent; claims 1, 4, 6, 7, 17, 20, 22, and 23 of the '506 patent; claims 1-3, 11-14, 19, 21, 22, and 30-32 of the '223 patent, claims 1, 4, 9, 10, and 12 of the '832 patent; claims 1, 2, 4, 6, 8, 15, 22, 25, 26, 29, 32, 34, 45, 46, 49, 52, and 54 of the '215 patent; claims 1, 3, 5-8, and 10-15 of the '992 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 C.F.R. § 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors, 19 U.S.C. §§ 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Ericsson Inc.
6300 Legacy Drive
Plano, TX 75024

Telefonaktiebolaget LM Ericsson

Torshamsgatan 23, Kista

164 83 Stockholm

Sweden

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Samsung Electronics America, Inc.

85 Challenger Road

Ridgefield Park, NJ 07660

Samsung Telecommunications America LLC

1301 East Lookout Drive

Richardson, TX 75082

Samsung Electronics Co., Ltd.

Samsung Electronics Building

1320-10, Seocho 2-dong

Seocho-gu, Seoul 137-857

Republic of Korea

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

William R. Bishop

Supervisory Hearings and Information Officer

Issued: January 3, 2013

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